

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GEORGE P. CHAPMAN, JR.; BRENDA J.  
 GULLY CHAPMAN,

Plaintiffs,

v.

DEUTSCHE BANK NATIONAL TRUST  
 COMPANY, as Trustee, a German national  
 corporation; NATIONAL DEFAULT  
 SERVICING CORPORATION, an Arizona  
 corporation; HOMEQ SERVICING  
 CORPORATION, a California corporation,

Defendants.

3:09-cv-228-RCJ-VPC

**ORDER**

This case is currently on remand from the U.S. Court of Appeals for the Ninth Circuit. In its memorandum disposition, the Ninth Circuit vacated this Court's order "dismissing Plaintiffs-Appellants' complaint for failure to state a claim, because the court lacked jurisdiction to enter it." (Mem. Dispo. (#23) at 3). The Ninth Circuit remanded the case back to this Court "to determine whether or not parallel state proceedings remain pending." (*Id.* at 3-4). The Ninth Circuit held that "[i]f the Unlawful Detainer Action remains pending, the Quiet Title Action should be dismissed for lack of subject matter jurisdiction over the *res* . . . If the state action has terminated, the district court may elect to proceed with the instant action." (*Id.* at 4).

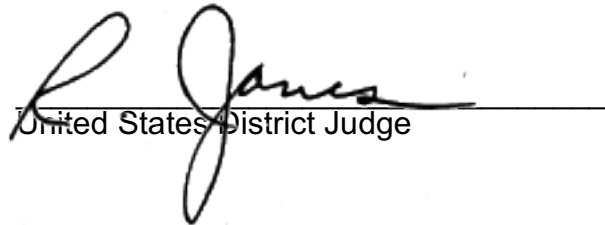
Pursuant to the Ninth Circuit's remand, this Court now orders the parties to provide this Court with an update regarding the status of the unlawful detainer action in state court. If the unlawful detainer action is still pending in state court, the parties shall file a motion with this Court to dismiss the case for lack of subject matter jurisdiction over the *res*. If the unlawful detainer action is no longer pending in state court, the parties shall file a motion with this Court

1 to proceed with the instant action. The parties shall file the appropriate motion within 20 days  
2 of the entry of this order.

3 **CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that the parties shall provide this Court with  
5 an update regarding the status of the unlawful detainer action in state court. The parties have  
6 20 days from the date of this order to file the appropriate motion with this Court based on the  
7 status of the unlawful detainer action as detailed above.

8 Dated this 26th day of November, 2013.

9  
10  
11   
12 United States District Judge  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28